



Dated: 9/17/2020

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COOKEVILLE DIVISION**

IN RE: )  
 ) Case No. 2:19-bk-00138  
ANGELIA NICHOLE SHOCKLEY, ) Chapter 7  
 ) Judge Marian F. Harrison  
Debtor. )

**AGREED ORDER AUTHORIZING ESCROW OF MORTGAGE LIEN PROCEEDS  
UPON SALE OF REAL PROPERTY PENDING RESOLUTION OF RELATED  
ADVERSARY PROCEEDING**

THIS MATTER IS BEFORE THE COURT upon the *Joint Motion for Entry of Agreed Order Authorizing Escrow of Mortgage Lien Proceeds Upon Sale of Real Property Pending Resolution of Related Adversary Proceeding* (the “Motion”) filed by Jason Brubacher on behalf of the bankruptcy estate of Debtor Angelia Nichole Shockley (“Mr. Brubacher”), pursuant to the *Order Granting Derivative Standing to Pursue Avoidance Actions* entered on April 17, 2019 (Docket No. 25) (the “Derivative Standing Order”), and American Bank & Trust of the Cumberlands (“ABT,” and collectively with Mr. Brubacher, the “Movants”). Any capitalized term not specifically defined herein shall have the meaning ascribed to it in the Motion.

Upon the agreement of the Movants and of the Chapter 7 Trustee (the “Trustee”), as evidenced by the signatures of their respective counsel below, it is hereby ORDERED as follows:

1. The Motion is hereby GRANTED;
2. Upon any order of this Court approving the sale of the Property free and clear of any liens, claims, or encumbrances, any sums otherwise due and payable to ABT pursuant to the ABT Lien shall be distributed to the Trustee, along with such other sums constituting property of the estate.

3. Upon receipt of the sale proceeds, the Trustee shall separately escrow a total of **\$200,000.00** (the “Escrowed Funds”). The Escrowed Funds shall remain held in escrow and not used for any purpose, absent further order of this Court, and the ABT Lien shall attach to the Escrowed Funds, pending a final determination by this Court in the ABT Adversary Proceeding.

4. In the event this Court avoids the ABT Lien pursuant to Mr. Brubacher’s requested relief in the ABT Adversary Proceeding, the ABT Lien shall no longer encumber any portion of the Escrowed Funds, and the Escrowed Funds shall vest in the Debtor’s bankruptcy estate for administration by the Trustee without further order of this Court required.

5. In the event the Court does not avoid the ABT Lien pursuant to Mr. Brubacher’s requested relief in the ABT Adversary Proceeding, the ABT Lien shall remain affixed to the Escrowed Funds.

6. Nothing in this Order shall prohibit or impair any party in interest from objecting to any portion of ABT’s claim, or the secured portion thereof, or otherwise prejudice any other rights currently provided to such parties in interest under the Bankruptcy Code.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS  
INDICATED AT THE TOP OF THE FIRST PAGE

APPROVED FOR ENTRY:

/s/ Ned Hildebrand

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### **CERTIFICATE OF SERVICE**

I certify that on September 14, 2020, a true and correct copy of the foregoing has been served electronically to the parties consenting to ECF service in this case.

/s/ Ned Hildebrand

Henry E. "Ned" Hildebrand, IV